

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00386

Kevin James Kohute,
Plaintiff,

v.

Sheriff Larry Smith,
Defendant.

O R D E R

Plaintiff Kevin James Kohute, proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983 while he was an inmate of the Smith County Jail. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b).

On October 17, 2023, the magistrate judge issued a report recommending that this case be dismissed without prejudice due to plaintiff's failure to comply with the court's order to satisfy the fee requirement and to keep the court apprised of his address. Doc. 7. A copy of the report was mailed to plaintiff, but it was returned as undeliverable with a stamp indicating that he is no longer at his previous address in the jail. Doc. 8. Plaintiff did not file written objections and has not notified the court of his new address.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. This case is dismissed without prejudice.

So ordered by the court on January 17, 2024.



J. CAMPBELL BARKER
United States District Judge